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UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Biological Survey

Washington, D.C.

March 26, 1934.

IMPORTANT

MEMORANDUM RELATIVE TO COMPLIANCE WITH
NRA CODES
WHICH MUST BE GIVEN IMMEDIATE ATTENTION

To all employees of the Bureau who make open market purchases or solicit bids in the field:

Attention is called to the attached P.B.A. Circular No. 251--subject, "Compliance with N.R.A. Codes." Note particularly the following:

Open Market Purchases

As is well understood, an open market purchase under the Department of Agriculture is one that is made without inviting bids, the amount involved being \$50 or less (or if more than \$50 is involved, purchase without inviting bids is justified by exigency). Most field purchases are open market purchases. An open market purchase may be made by placing with a vendor (dealer) an order in writing for certain articles, materials, or supplies which he is to deliver. Such an order is called a requisition or purchase order; no particular form need be used--a letter is generally used in the field. For example, if an order is placed by mail it is, of course, necessarily in writing and must be regarded as a purchase order whatever its form.

Whenever a purchase order as above defined is placed by an employee in the field it must be accompanied by a notice to vendor reading as follows:

IMPORTANT NOTICE TO VENDOR

Attention is called to the following "Certificate of Compliance" which must be contained in or be attached to the voucher which you submit in settlement of the account covering the articles, materials, or supplies furnished in response to the attached order; before filling this order you must determine whether you will be in position to sign such certificate; if not in position to sign certificate, order must not be filled, in which event it is requested that order be returned, with advice of your inability to fill it:

CERTIFICATE OF COMPLIANCE

It is hereby certified that the undersigned is complying with and will continue to comply with each approved code of fair competition to which he is subject, and/or if engaged in any trade or industry for which there is no approved code of fair competition then as to such trade or industry that he has become a party to and is complying with and will continue to comply with an agreement with the President under Section 4 (a) of the National Industrial Recovery Act (President's Reemployment Agreement)

and that in his performance of the contract or purchase order involving the attached account he has not employed any articles, materials, or supplies, in whole or in part produced or furnished by any person who has not certified that he is complying with and will continue to comply with each code of fair competition which relates to such articles, materials, or supplies, or in case there is no approved code for the whole or any portion thereof, then, to that extent, with an agreement with the President under Section 4 (a) of the National Industrial Recovery Act (President's Reemployment Agreement).

Provided, that where supplies are purchased that are not mined, produced, or manufactured in the United States (see sec. 2, Title III, of the act approved March 5, 1933, Public No. 428, 72d Cong.), the special or general code of fair practice shall apply to that portion of the contract executed within the United States.

(Date)

(Individual or firm name)

Copies of this notice to vendors will be furnished field employees for their use in placing open market purchase orders. In placing a purchase order the vendor should be advised that if he fills such order by delivering the articles, materials, or supplies covered thereby, thus indicating compliance with code requirement, he may sign the "Certificate of Compliance" which constitutes a part of the "Important Notice to Vendor" and attach it to voucher which he submits in settlement of his account, or he may prepare, or type on face of his invoice or covering 1034 voucher, if there is sufficient space, and sign his own certificate of compliance which, however, must be an exact copy of "Certificate of Compliance" ^{appearing} on "Important Notice to Vendor."

Besides open market purchases made by written purchase orders, there are a great many so-called "over-the-counter" purchases made in the field, that is, purchases made in person by employees without written orders who carry the articles, supplies, or materials they buy away with them. It is understood that effort is being made to exempt from the provisions of P.B.A. Circular No. 251 and Executive Order No. 6446 on which it is based, open market purchases, especially "over-the-counter" purchases, in small amount. However, unless and until advised of such exemption, every field employee making an "over-the-counter" purchase, no matter how small the amount involved, should exhibit and explain to the vendor a copy of "Important Notice to Vendor" and if vendor is in position to and will sign "Certificate of Compliance" employee must have him sign such certificate before delivery of purchase is taken.

If when attempting to make an open market purchase, either by written purchase order or over-the-counter, vendor is not in position or declines to sign certificate of compliance, effort should be made to buy from another vendor who is in position to and will sign such certificate. If no vendor can and will sign certificate, or if there is only one vendor from whom purchase can be made, and such vendor is not in position or declines to sign certificate, purchase should be deferred until the graphic advice as to procedure can be obtained from this office, unless purchase at the time is an absolute necessity for the protection of public property or the like, when purchase only to the extent essential to meet the necessity may be made without certificate, covering voucher being accompanied by a statement of the facts in the case.

It is hoped that some exceptions in the case of emergency purchases will be made to the requirements of P.B.A. Circular No. 251, but until such exceptions are provided, employees must realize that the burden of proof is on them to justify the necessity of any purchase made without certificate of compliance.

In connection with open market purchases, attention is called to Bureau Memorandum Bi-1264 of March 9, 1933, and amendment thereto (Bi-1264a) of May 29, 1933, relative to purchase of supplies, etc., of American production and manufacture. Certificate of American production and/or manufacture as set forth in Bureau Memorandum Bi-1264a is still required in addition to certificate of compliance as set forth in the present memorandum in the case of all open market purchases.

Solicitation of bids in the field

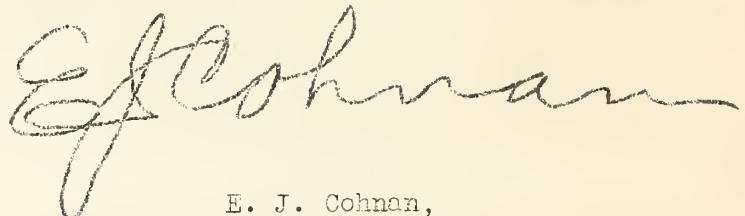
Each employee who solicits bids in the field must carefully read P.B.A. Circular No. 251, and if bids are being invited under regular Bureau appropriation or under emergency funds other than Public Works (NRA or IMPNIRA) funds, there must be included as a part of each invitation the entire contents of page 8 and 9 of P.B.A. Circular No. 251 under the heading, "Special Conditions Applicable to all Bids" (do not, however, include in invitation the heading itself, but begin with "The party or parties awarded any contract," and so on).

It will be noted that among these special provisions are included those relating to American production and Federal taxes which, as required by Bureau Memorandum Bi-1284 and Bi-1264a, must be included in all invitations for bids.

As a general proposition all solicitations for bids under Public Works (NIRA or IMPNIRA) funds are required to be made in Washington. A few field employees have, however, been specifically authorized to solicit bids under the funds in question. Such employees when inviting bids under Public Works funds must include in each invitation not only the provisions contained under the heading, "Special Conditions Applicable to all Bids" on pages 8 and 9 of P.B.A. Circular No. 251, but in addition

the provisions appearing on the last page of that Circular (page 10) under "Special Conditions Applicable to Public Works Bids" (do not include headings in invitation).

Note that procedure prescribed in P.B.A. Circular No. 251 does not apply to any purchase order placed, any bids invited or accepted or any contract executed prior to March 14, 1934, to all of which procedure outlined in Bureau Memorandum Bi-1264a still applies.



E. J. Cohnan,
Assistant Head,
Division of Administration.

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Bi-1321a

UNITED STATES DEPARTMENT OF AGRICULTURE
Bureau of Biological Survey
Washington, D. C.

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★ APR 27 1934 ★
U. S. Department of Agriculture

IMPORTANT

April 18, 1934.

Amendment to Bureau Memorandum Bi-1321 relative
to compliance with NRA Codes.

To all employees of the Bureau who make open market purchases:

Reference is made to Bureau Memorandum Bi-1321, of March 26, 1934, and P.B.A. Circular No. 251 which accompanies it. The Bureau is just in receipt of P.B.A. Circular No. 253 which is to the effect that "Certificate of Compliance" is not required in case of any open market purchase not exceeding \$50 in amount, but in the event the open market purchase exceeds \$50 in amount, the covering 1034 voucher must contain or be supported by a signed "Certificate of Compliance" no matter what the emergency or exigency conditions which justify such purchase may be.

Bureau Memorandum Bi-1321 is amended accordingly. This simplifies procedure considerably as in the case of any open market purchase not exceeding \$50 in amount, whether an order in writing is placed, or an over-the-counter purchase is involved, no "Certificate of Compliance" as prescribed in P.B.A. Circular No. 251 is required, nor need any other effort be made to establish or show compliance of dealer or vendor from whom purchase is made with any NRA code, or with the President's Reemployment Agreement. Should emergency conditions necessitate a purchase in excess of \$50 without soliciting bids, 1034 voucher covering such purchase must contain or be accompanied by signed "Certificate of Compliance."

When bids are solicited in the field under regular or ECW funds, "Special Conditions Applicable to All Bids" pages 8 and 9 of P.B.A. Circular No. 251 must be made a part of the invitation; if a field leader, authorized to do so, solicits bids on supplies under NIRA, "Special Conditions Applicable to All Bids," followed by "Special Conditions Applicable to Public Works Bids (Supplies Only)," page 10 of P.B.A. Circular No. 251 must be made a part of the invitation. To save typing in the field mimeographed copies of "Special Conditions Applicable to All Bids" and "Special Conditions Applicable to Public Works Bids (Supplies Only)" have been prepared and are ready to be distributed in quantities as indicated by the respective operating divisions to employees in the field who have occasion from time to time to solicit bids. In using these mimeographed copies procedure should be as follows:

(over)

If bids under regular or ECW funds are being prepared, after typing specifications, etc., place at the close of invitation a paragraph reading:

"Important"

"Bidder take note that the accompanying sheet of Special Conditions Applicable to All Bids is a part of these specifications, and Certificate of Compliance MUST be signed and submitted with bid."

Then be sure to attach securely to each invitation sent out one of the mimeographed sheets headed "Special Conditions Applicable to All Bids."

The few field employees authorized to solicit bids under NIRA (or IMPNIRA) should type at end of invitation a paragraph reading:

"Important"

Bidder take note that the accompanying sheets of Special Conditions are a part of these specifications and Certificate of Compliance MUST be signed and submitted with bid."

Then securely attach to each invitation sent out the two mimeographed sheets--one headed "Special Conditions Applicable to All Bids," and the other headed "Special Conditions Applicable to Public Works Bids (Supplies Only)."

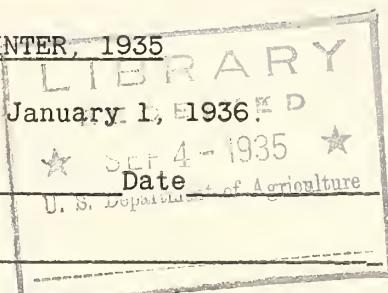
Note particularly that in no case may a bid not containing or accompanied by a signed Certificate of Compliance be considered or accepted.

In connection with all open market purchases, attention is again called to Bureau Memorandum Bi-1264a of May 29, 1953, and to the fact that certificate of American production and/or manufacture as set forth in said memorandum is still required in case of all such open market purchases.

E. Johnson
Assistant, Division of Administration.

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REPORT ON WATERFOWL CONDITIONS, FALL AND WINTER, 1935

This report must be received in Washington, by January 1, 1936. F.D.
State _____ Post Office _____
Area considered _____ Observer _____



1. If justified by your experience, make comparison of the fall flights of 1935 and those of five and [or] ten years ago. (Give percentage of increase or decrease.) _____
2. How did it compare with the fall flight of 1934? (Give percentage of increase or decrease.) _____
3. Comparing the fall flight of 1935 with the fall flight of 1934, indicate under the following headings the 1935 condition of the species regularly observed in your region:
(a) The following species were seen in about the same numbers: _____

- (b) The following in increased numbers: _____

- (c) The following in decreased numbers: _____

4. Were conditions for nesting waterfowl as good, better, or worse than they were a year ago? _____
5. Is there plenty of natural food? _____
6. What, in your opinion, was the net effect upon wild fowl of the shooting regulations in effect for this season? _____

7. If woodcock occur in your locality, are they holding their own, increasing, or decreasing? _____
8. If Wilson's snipe (jacksnipe) occur in your locality, are they holding their own, increasing, or decreasing? _____
9. What are your observations regarding the abundance of mourning doves compared with last year? _____

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF BIOLOGICAL SURVEY
Washington, D. C.

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★ MAY 2 1936 ★
U. S. Department of Agriculture

March 2, 1936.

TO ALL COOPERATING WATERFOWL OBSERVERS

Your report on the status of migratory waterfowl as observed during the fall migration of 1935 has been tabulated and will be incorporated in the report that the Biological Survey is planning to issue as soon as it has received your report on the spring migration.

Considering the country as a whole, definite improvement was noted as the ducks and geese passed southward. This was particularly true of the Pacific and Mississippi Flyways. While some gain was noted in the Central and Atlantic Flyways, the condition of the birds on the latter continues to remain precarious. This is particularly true of the "northeastern flight". The condition of the birds in this flyway has been rendered more serious by the worst oil pollution in history, and which has occurred on certain coastal waters, chiefly those of Massachusetts, the Long Island region, the coast of New Jersey, and Delaware Bay.

The exceptionally severe ice conditions also have occasioned heavy losses from starvation despite extensive feeding by the Bureau, State Game Departments and public-spirited citizens and organizations.

The questionnaire for the spring migration is enclosed herewith and the Survey trusts that you will be particularly careful in making your comparative report. Remember that you have an important responsibility to discharge and that the Bureau is placing full confidence in your judgment and accuracy.

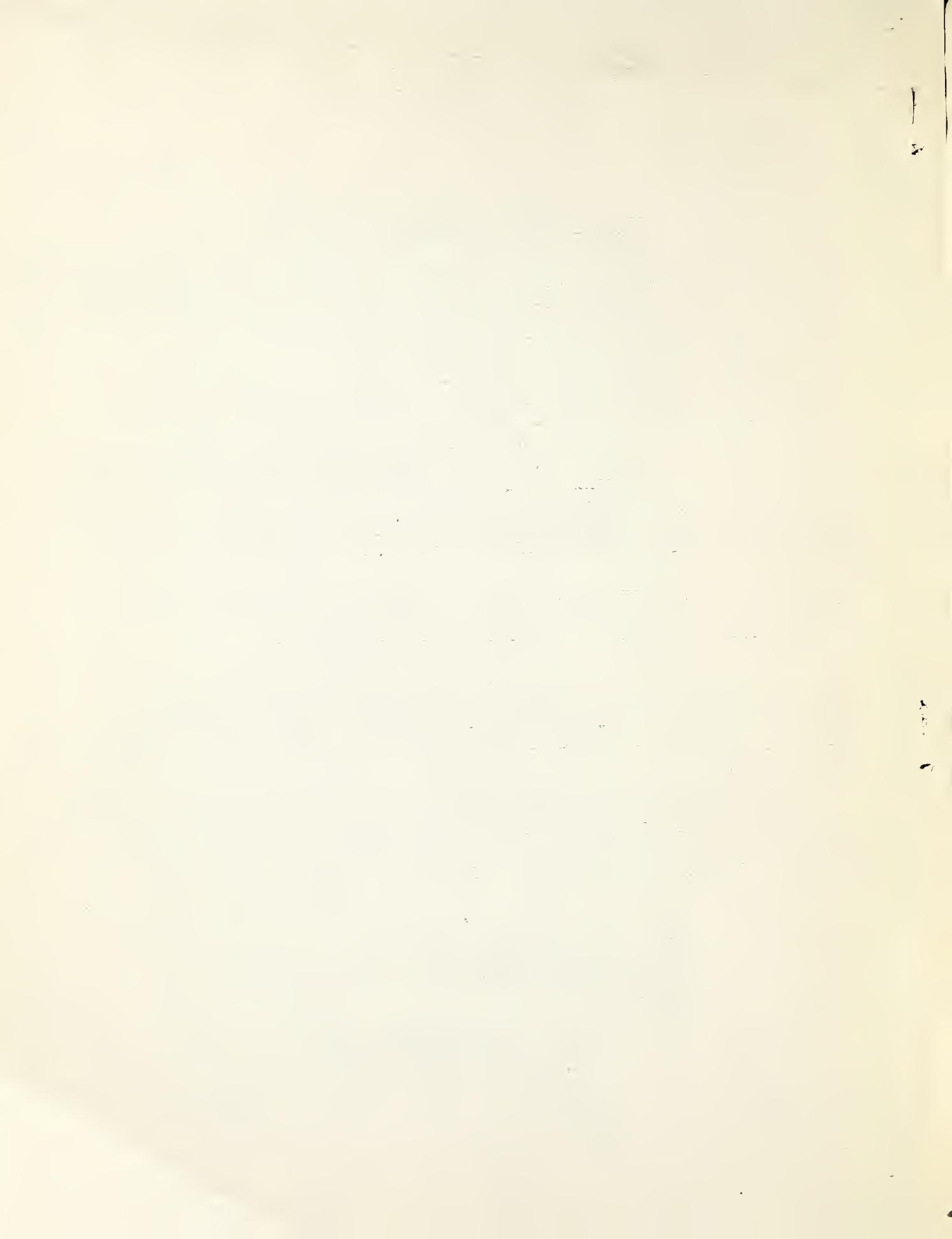
This opportunity is taken to thank those observers who were able to participate in the January inventory. The data obtained are still under study but will be incorporated in the report above mentioned. Copies of this will be sent you as soon as it is issued.

Sincerely yours,

Frederick C. Lincoln

F. C. Lincoln, In Charge,
Distribution and Migration of Birds,
Division of Wildlife Research.

Enclosure.



REPORT ON WATERFOWL CONDITIONS, SPRING, 1936
This report must be received in Washington by May 1, 1936

State _____ Post Office _____ Date _____

Area considered _____ Observer _____

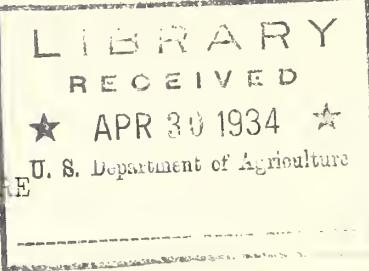
1. If justified by your experience, make comparison of the spring flights of 1936 and those of five and [or] ten years ago. (Give percentage of increase or decrease.)
2. How did it compare with the spring flight of 1935? (Give percentage of increase or decrease.)
3. Comparing the spring flight of 1936 with the spring flight of 1935, indicate under the following headings the 1936 condition of species regularly observed in your region:
 - (a) The following species were seen in about the same numbers: _____
 - (b) The following were seen in increased numbers: _____
 - (c) The following were seen in decreased numbers: _____
4. Are conditions for nesting waterfowl as good, better, or worse than they were a year ago? _____
5. Is there plenty of natural food? _____
6. According to your own observations and to reports reaching you that you believe to be reliable, was the duck and goose kill during the 1935-36 shooting season greater or less than in 1934-35? If possible, list species affected; _____

7. Did you observe any increase or decrease in the spring flight of woodcock, Wilson's snipe, or mourning doves? _____

8. In your opinion have any other shorebirds increased sufficiently in your region to justify a short open season? _____

Bi-1323

UNITED STATES DEPARTMENT OF AGRICULTURE
Bureau of Biological Survey
Washington, D. C.



April 23, 1934.

MEMORANDUM REGARDING ADJUSTMENTS IN SALARY STATUS
OF CERTAIN EMPLOYEES PAID FROM EMERGENCY APPROPRIA-
TIONS MADE NECESSARY BY EXECUTIVE ORDERS OF THE
PRESIDENT OF NOVEMBER 18, 1933 and JANUARY 10, 1934.

Field Project Leaders:

In complying with Executive Orders of the President and decisions of the Comptroller General pertaining thereto, it has been necessary for the Bureau to prepare, and submit for departmental approval, classification sheets for certain of its employees paid from NIRA and ECW appropriations. These classification sheets have received departmental approval, which meets the requirements of the Comptroller General in order to give them effect.

The positions which had to be classified are those the duties and responsibilities of which correspond with the duties and responsibilities of positions subject to the Classification Act, the purpose of the Executive Order being to equalize generally the salary rates of the personnel of the emergency agencies with the salary rates of the personnel of the regular establishments of the Government subject to the Classification Act. Laborers of all kinds, cooks, and foremen-laborers supervising a few laborers (straw bosses), such as are employed under NIRA projects on rodent control and on game and bird reservations in connection with construction and repair work, are not included in this classification of positions. All other Bureau employees coming within the provisions of the Orders and paid from NIRA or ECW funds have been classified in what is considered as an appropriate grade under Classification Act schedules.

The next step has been to adjust salaries so far as this could be done in accordance with the approved classification grades. Where salary now being paid is at one of the salary rates in the approved grade, no change in appointment has been necessary. Neither has it been possible to recommend advancement to the minimum salary of the approved classification grade for those whose salaries are now more than one step below (\$60 or \$100 according to grade involved) such minimum rate, as such an advancement, according to the Comptroller General, would constitute an administrative promotion, which is prohibited by Section 7 of the Economy Act of March 3, 1933. In all such cases the appropriate grade is being shown on the payroll, although the salary will have to remain the same as at present while the restriction on promotions is in effect.

and as long as the employee performs the same duties he has been performing. The Comptroller General has said, however, that "an increase in compensation resulting from a transfer from the regular to the emergency roll in a higher grade would not constitute an administrative promotion within the meaning of the statute." If, therefore, an employee is transferred to work of a more responsible nature in a higher grade than the one in which he has been classified, an advancement to a salary rate in the higher grade is permissible.

Where the salaries heretofore paid are higher than the maximum of the grade in which the position is now classified, it has been necessary to reduce such salaries to the maximum of the approved grade. Because of the uncertainties on various points connected with making these adjustments which had to be cleared up before action could be taken, and since all changes had to take effect on March 1, 1934, under Comptroller General's decision, it has been necessary to withhold salary payments in some instances for March until disputed matters were straightened out. In the case of ECW employees, action in making changes in salary status is being withheld for the present, as further instructions are expected momentarily from the President regarding them which might result in a different policy being promulgated for them.

Any new appointments under NIRA funds (and also under ECW funds unless there is a change in policy regarding them) will have to be made at one of the salary rates within a classification grade to which the duties of the position properly fall; and this will be the minimum rate of the grade unless there are circumstances, such as the furnishing of equipment, which would justify the payment of a higher rate within the grade than the minimum.

Field leaders in submitting their recommendations on Bureau Form 988, should fully describe the duties of the employee to be appointed, so that the proper classification of the position may be determined here and job description sheets written up for any new positions which have not already been allocated.

For the information and guidance of field leaders having occasion to recommend appointments of field personnel, the following positions with approved classification grades and salary ranges within the grade, are listed:

<u>Title of position</u>	<u>Approved Classification</u>	<u>Salary Range</u>
Under Clerk	CAF-1	\$1260 to \$1620*
Junior Clerk or Junior Stenographer	CAF-2	1440 to 1800*
Senior Stenographer	CAF-3	1620 to 1980*
Field Supt. (For Resources)	CAF-4	1800 to 2160*

<u>Title of position</u>	<u>Approved Classification</u>	<u>Salary Range</u>
Foreman	CAF-6	\$2300 to \$2900
"	CAF-7	2600 to 3200
Camp Superintendent	CAF-8	2900 to 3800
Asst. to Technician	SP-4	1620 to 1980*
Engineering Aide	SP-5	1800 to 2160*
Draftsman (Engineer)	SP-5	1800 to 2160*
Sr. Eng. Draftsman	SP-6	2000 to 2600
Chief of Party (Engineer)	P-2	2600 to 3200
Truck Trail Locator	P-2	2600 to 3200
Asst. Biologist, Rodent Control	P-2	2600 to 3200

The intermediate steps in grades followed by an asterisk (*) are \$60 each. In grades not so marked the steps are \$100 each.

Copies of job classification sheets for the two grades of Foreman or for other positions will be supplied by the operating division to those who will have need for them.

W. C. Henderson
Acting Chief.

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U. S. Department of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE
Bureau of Biological Survey
Washington, D. C.

May 25, 1934

MEMORANDUM REGARDING ADJUSTMENTS IN SALARY STATUS
OF CERTAIN EMPLOYEES PAID FROM EMERGENCY APPROPRIA-
TIONS MADE NECESSARY BY EXECUTIVE ORDERS OF THE
PRESIDENT OF NOVEMBER 18, 1933 and JANUARY 10, 1934.

Field Project Leaders:

In complying with Executive Orders of the President and decisions of the Comptroller General pertaining thereto, it has been necessary for the Bureau to prepare, and submit for departmental approval, classification sheets for certain of its employees paid from NIRA and ECW appropriations. These classification sheets have received departmental approval, which meets the requirements of the Comptroller General in order to give them effect.

The positions which had to be classified are those the duties and responsibilities of which correspond with the duties and responsibilities of positions subject to the Classification Act, the purpose of the Executive Order being to equalize generally the salary rates of the personnel of the emergency agencies with the salary rates of the personnel of the regular establishments of the Government subject to the Classification Act. Laborers of all kinds, cooks, and laborer-foremen (straw bosses) supervising a few unskilled laborers when employed under NIRA projects as semi-skilled or unskilled laborers under letters of authority and subject to the hourly restrictions as set forth in Bureau Memorandum Bi-1296, are not included in this classification of positions. All other Bureau employees coming within the provisions of the Orders and paid from NIRA and ECW funds have been classified in an appropriate grade under Classification Act schedules.

The next step has been to adjust salaries so far as this could be done in accordance with the approved classification grades. Where salary heretofore paid is at one of the salary rates in the approved grade, no change in appointment has been made. Neither has it been possible to recommend advancement to the minimum salary of the approved classification grade for those who continue to perform their former duties and whose salaries are now one full step or more (\$60 or \$100 according to grade involved) below such minimum rate, as such an advancement, according to the Comptroller General, would constitute an administrative promotion, which is prohibited by Section 7 of the Economy Act of March 3, 1933. In all such cases the appropriate grade is being shown on the payroll, although the salary will have to remain the same as at present while the restriction on promotions is in effect and as long as the employee continues to perform the same duties he has been perform-

ing. The Comptroller General has said, however, that "an increase in compensation resulting from a transfer from the regular to the emergency roll in a higher grade would not constitute an administrative promotion within the meaning of the statute." If, therefore, an employee is actually transferred from a position in a lower grade to a position of a more responsible nature in a higher grade, an advancement to a salary rate in the higher grade is possible. In recommending such a change, however, there must be a clear statement of the duties to be performed in the higher grade and a showing of an actual transfer from a lower grade to a higher grade position.

Where the salaries heretofore paid were higher than the maximum of the grade in which the position is now classified, it has been necessary to reduce such salaries to the maximum of the approved grade.

Because of uncertainties on various points connected with making these adjustments which had to be cleared up before action could be taken, and since all changes had to take effect on March 1, 1934, under Comptroller General's decision, it was necessary to withhold salary payments in some instances for March until disputed matters were straightened out. In the case of ECW employees, action in making changes in accordance with Classification Act has been postponed, as there is reason to doubt whether the President desires to adjust the salaries of these employees and a decision in the matter is awaited.

Any new appointments under NIRA funds (and also under ECW funds should it be necessary to classify these positions) will have to be made at one of the salary rates within a classification grade to which the duties of the position properly fall; and this will be the minimum rate of the grade unless there are circumstances, which should be stated, which would justify the payment of a higher rate within the grade than the minimum.

Field leaders in submitting their recommendations on Bureau Form 988, should fully describe the duties of the employee to be appointed or advanced to a higher grade so that the proper classification of the position may be determined here and job description sheets written up for any new positions which have not already been allocated.

For the information and guidance of field leaders having occasion to recommend appointments of field personnel, the following positions with approved classification grades and salary ranges within the grade, are listed:

<u>Title of position</u>	<u>Approved Classification</u>	<u>Salary Range</u>
Under Clerk	CAF-1	\$1260 to \$1620*
Junior Clerk or Junior Stenographer	CAF-2	1440 to 1800*
Senior Stenographer or clerk	CAF-3	1620 to 1980*
Field Supt. (Fur Resources)	CAF-4	1800 to 2160*
Foreman	CAF-6	2300 to 2900
"	CAF-7	2600 to 3200
Foreman of Laborers	CU-5	1500 to 1860*
Principal Foreman of Laborers	CAF-4	1800 to 2160*
Camp Superintendent	CAF-8	2900 to 3800
Asst. to Technician	SP-4	1620 to 1980*

<u>Title of position</u>	<u>Approved Classification</u>	<u>Salary Range</u>
Engineering Aide	SP-5	\$1800 to 2160*
Draftsman (Engineer)	SP-5	1800 to 2160*
Sr. Eng. Draftsman	SP-6	2000 to 2600
Chief of Party (Engineer)	P-2	2600 to 3200
Truck Trail Locator	P-2	2600 to 3200
Asst. Biologist, Rodent Control	P-2	2600 to 3200

The intermediate steps in grades followed by an asterisk (*) are \$60 each. In grades not so marked the steps are \$100 each.

Copies of job classification sheets for the four grades of Foremen or for other positions as required will be supplied by the operating division to those who will have need for them.

W. C. Henderson
Acting Chief

